REMARKS

The specification has been amended to make editorial changes therein.

The Official Action objects to the form of claims 7-8. These claims have been amended (claim 24 was similarly amended) and reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1-13 and 16-17 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Claims 1 and 16-17 have been amended to be directed to statutory subject matter and reconsideration and withdrawal of the rejection are respectfully requested. In claim 1, the step of controlling admission to each link based on the threshold has been added. In claims 16-17, the computer program product is embodied in a medium readable by the computer.

Claims 1-30 were rejected as anticipated by DAVIES et al. 6,839,767. Reconsideration and withdrawal of the rejection are respectfully requested.

DAVIES et al. disclose admission control for aggregated traffic and notes whether there has been a congestion notification during time period T to understand if the aggregated traffic over the entire path has been overloading the network. The congestion notifications occur for transaction oriented traffic, such as TCP-flows when congestion notifications are sent

by the receiver if it has not received new packets during a time period.

Independent claim 1 includes the step of choosing the level of the threshold by utilising knowledge about multiplexing properties of the ADFs on each link and by utilising knowledge about the forwarding resources of the links. DAVIES et al. do not disclose or suggest choosing the level of the threshold utilising knowledge about multiplexing properties of the ADFs on each link. The Official Action points to column 9, lines 23-32 and column 10, lines 7-27, but these sections (indeed, the entire reference) do not include any reference to using multiplexing properties of the ADFs to choose the threshold.

By way of further explanation, DAVIES et al. rely on congestion notification to adjust admission thresholds (abstract). This is, in effect, a reactive scheme that takes action when congestion occurs. The use of multiplexing properties as in claim 1 is, by contrast, a pro-active scheme.

Accordingly, claims 1-17 avoid the rejection under §102.

Independent claim 18 is allowable for similar reasons. Claim 18 includes threshold setting means that is adapted to utilise knowledge about multiplexing properties of the ADFs on each link when choosing the level of said threshold. DAVIES et al. disclose a scheme that relies on congestion notification to adjust admission thresholds, and does not use multiplexing

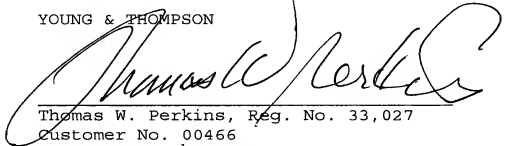properties of the ADFs.   Accordingly, claims 18-30 avoid the rejection under §02.

The dependent claims are further allowable. For example, claim 2 chooses the threshold levels using knowledge about the traffic mix, in addition to knowledge about multiplexing properties of the ADFs. There is no suggestion in DAVIES et al. to use both these pieces of information. Claim 3 provides that the multiplexing properties of the ADFs are estimated off-line. The Official Action points to column 7, lines 15-38 for this feature. However, this section refers to a workload, not an estimated multiplexing property.   DAVIES et al. refer to determining numbers of packets in flight and statistics the size and duration of transactions to estimate workload, which is fundamentally different from estimating multiplexing properties.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance.   Reconsideration and allowance are respectfully requested.

1510-1038-2

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

Thomas W. Perkins, Reg. No. 33,027
Customer No. 00466
745 South 23rd Street
Arlington, VA 22202
Telephone (703) 521-2297
Telefax   (703) 685-0573
          (703) 979-4709

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